

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA

v.

4:07CR99

DUSTIN WALKER,

Defendant.

REPORT AND RECOMMENDATION
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered guilty pleas to conspiracy to possess and distribute cocaine and cocaine base and possession of a firearm in furtherance of a drug trafficking crime, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A) and 846, and 18 U.S.C. § 924(c). Defendant is also charged with possession of cocaine base with intent to distribute (Count 2), being a felon in possession of a firearm (Count 4), use of a communication facility for drug trafficking (Count 5), and money laundering (Counts 6 through 14), in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1), 843(b); and 18 U.S.C. §§ 922(g)(1) and 1956(a)(1)(A)(1). Defendant understands that these charges will be dismissed upon acceptance of his guilty pleas, and the United States confirmed defendant's understanding.

On December 28, 2007, defendant appeared before the Court for the purpose of entering his guilty pleas. He was represented by appointed counsel, James Ellenson, Esquire. Defendant was appropriate in appearance, responsive, and competently prepared for the hearing. He answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all

times and clearly understood the seriousness of his position. At the close of the proceeding, defendant was remanded to the custody of the United States Marshal, pending completion of a presentence report.

Defendant is thirty-five years of age, attended school through the eleventh grade and obtained a GED, and speaks English as his native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered his guilty pleas pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his pleas accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offenses charged are supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty pleas be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

/s/

James E. Bradberry
United States Magistrate Judge

Norfolk, Virginia

January 2, 2008